IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2375 OF 2005
(For expediting the hearing)
IN
CRIMINAL APPEAL NO.1530 OF 2004

Mr. Ajaz Hussain D. Qureshi ...Appellant.

V/s

State of Maharashtra
@ the instance of GBCB/
Crime Branch/C.I.D. ...Respondent.

Smt. S.Q. Qureshi for the appellant.
Mr. A.S. Shitole, APP for the State.

CORAM: V.M.KANADE,J.
DATE: 6th May, 2005.

P.C.:

1. Criminal Application No.2375 of 2005 for expediting the hearing of the case is allowed. Appeal is taken up for final hearing forthwith.

2. Heard the learned counsel for the appellant and the learned APP for the State.

3. Appellant had filed an application before the MPID Court seeking an order for granting vacant and peaceful possession of the premises to the appellant. The case of the appellant is that he had acquired right, title and interest in respect of the premises by agreement dated 24th July, 1993. It is stated that owner of the property one T.C. Anthony has executed

an affidavit and general power of attorney in favour of the appellant and had transferred right, title and interest in favour of the appellant. Thereafter, the premises were given to respondent No.2 on the basis of Conducting Agreement dated 6th July, 1998. The premises however, is sealed by the Police in view of the fraud committed by respondent No.2. There is no evidence to show that the appellant is owner of the premises. However, the power of attorney and the affidavit on which reliance is placed by the appellant does not confer any right or title upon the appellant under the Transfer of Property Act. The designated Court, therefore, in my view, correctly rejected the application of the appellant herein.

4. In my view, there is no error in the order passed by the designated Court. There is no merit in the appeal. Appeal is accordingly dismissed.

5. It is, however, clarified that in the event any order is passed by the Civil Court declaring that the appellant is the owner, the appellant may apply to the MPID Court thereafter.

V.M. KANADE, J.